



Rio Arriba County Detention Center

(RACDC) POLICY 0102

INMATE CORRESPONDENCE

I. REFERENCE:

NMAC Adult Detention Professional Standards: IP-02 – *Postage for Indigent Inmates*; IP-03 – *Non-Confidential Personal Mail*; IP-04 – *Confidential or Privileged Mail*; IP-13 – *Indigence*; IP-14 – *Grievance Procedure*.

II. PURPOSE:

To describe procedures that will be used by staff to process inmate correspondence, publications, and packages.

III. POLICY STATEMENT:

It is the policy of the Rio Arriba County Detention Center to encourage and permit inmates to correspond with family, friends, officials and other significant community contacts, and to do so with minimal facility interference, consistent with the legitimate security needs of the Detention Center.

IV. DEFINITIONS:

- A. Bulk Mail: Mail that is addressed only to the Detention Center and not to any individual inmate.
- B. Correspondence: All privileged and non-privileged letters, cards, packages, publications, and other incoming and outgoing mail sent or received via a government authorized postal service.
- C. Contraband: Any item or article in the possession of an inmate or found within the facility that has not been issued by the facility, purchased in the commissary, or approved by the Detention Administrator.
- D. Indigent Inmate: An inmate who has no money posted in his/her account at the time of the request.
- E. Mail Inspection: To open and inspect, but not read, all mail to detect money, drugs, liquor, weapons, and other tangible, material items expressly prohibited by State and Federal laws, or in violation of the facility's rules and regulations.



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- F. Mail Censorship: To evaluate the contents and/or read non-privileged mail for evidence of illegal activity, threats to the security and safety of the facility, escape plans, gang activity, or other information that may pose a threat to the facility, staff, inmates, or public.
- G. Non-Privileged Correspondence: Personal communication to or from inmates via letters, greeting cards, post cards or publications that does not fall within the definition of privileged correspondence.
- H. Privileged Correspondence: Mail correspondence to and from inmates to attorneys, recognized legal agencies, the courts, elected and appointed officials, grand juries, law enforcement agencies, Parole Board, parole officer(s), county commissioners, the news media, and Detention Administrator.
- I. Publications: All printed reading material that has a regional or national circulation and/or that is sold by public vendors or by mail subscription to the general public that is received by the Detention Center for receipt by inmates including soft covered books, newspapers, magazines, catalogs, brochures, religious pamphlets, and newsletters.

V. PROCEDURAL GUIDELINES:

A. General:

- 1. The Detention Center does not require bulk mail to be delivered to inmates.
- 2. First Class Mail received at the facility shall be distributed in the housing units as soon as possible, but no later than twenty-four (24) hours after receipt in the facility, restricted only by weekends, holidays, and emergency events.

B. Collection and Distribution of Mail:

- 1. The Assistant Administrator or designee collects outgoing mail directly from the housing units at least once each day, Monday – Friday, excluding holidays and emergencies.
- 2. The Assistant Administrator distributes incoming mail before lockdown, Monday – Friday, excluding holidays and emergencies.
- 3. All mail must be delivered by detention staff to the receiving inmate. At no time shall the mail be left on a table or other commonly accessible place, nor shall mail be collected or otherwise handled by an inmate.



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C. Limits on Correspondence:

Except when an indigent inmate requests free postage in accordance with the Detention Center's procedures, there is no limitation on the number of persons with whom an inmate may correspond, nor is there any limitation on the number of letters an inmate may send or receive.

D. Incoming Correspondence:

1. All incoming inmate mail, including packages and publications, shall be given to the Assistant Administrator or designee for proper processing and distribution.
2. All incoming mail shall be processed Monday through Friday, except for holidays or emergencies.
3. All inmate correspondence received at the Rio Arriba County Detention Center shall be via a government authorized postal service. Visitors are not allowed to drop off any correspondence or packages for any inmate. Inmates who receive prior approval to correspond with another inmate housed at the Detention Center are required to use a government authorized postal service.
4. All mail, including privileged mail, or any item entering or leaving the facility, shall pass through a metal detector or otherwise be searched via a metal detector device.

E. Incoming Non-Privileged Correspondence:

1. The Assistant Administrator is responsible for inspecting all non-privileged correspondence for contraband or written material that potentially threatens the safety and security of the facility. The task may be delegated by Assistant Administrator, the responsibility cannot be delegated.
2. The following steps shall be utilized:
 - a. Open the envelope and remove the contents.
 - b. Search the contents of the mail for contraband.
 - c. Evaluate the contents and/or read the mail for evidence of illegal activity, threats to the security and safety of the facility, escape plans, gang activity, or other information that may pose a threat to the facility, staff, inmates, or public.
 - d. Remove and discard all stamps, stickers, address labels, metal clips, paper clips, staples, envelope seams and seals, and/or binder clips before the correspondence is distributed to the inmate.



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- e. The Assistant Administrator or designee shall log all rejected non-privileged correspondence, including publications, and shall notify the inmate using the Correspondence Denial Form.
- f. Inmates may grieve the rejection of incoming mail by using Detention Center's Inmate Grievance Procedure.

F. Non-Privileged Correspondence Containing Contraband or Restricted Material:

- 1. Contraband found in correspondence may form a basis for restricting the inmate's correspondence privileges and may result in possible referral for prosecution.
- 2. All contraband found during correspondence inspections shall be disposed of in accordance with facility policy and procedure.
- 3. No correspondence will be rejected solely because it contains religious, philosophical, or political views, or views critical of the facility, staff, or conditions of confinement.
- 4. Incoming correspondence shall be logged and returned to sender if it contains any of the following restricted material:
 - a. Cash, personal checks.
 - b. Postage stamps, stamp books, and pre-stamped envelopes.
 - c. Food items of any kind.
 - d. Laminated or glued cards with embellishments or music greeting cards of any kind.
 - e. Taped items, stickers, or sticker type address labels.
 - f. Phone calling cards of any kind.
 - g. Lip markings, referred to as "Kisses", or any other type of bodily fluids on the letter or envelope.
 - h. Depictions or descriptions of procedures for the construction or use of weapons, ammunition, explosive or incendiary devices.
 - i. Eye glass cases.
 - j. Materials with colored ink other than blue or black.
 - k. Materials with colored paints or magic marker.
 - l. Cologne or Perfume.
 - m. Colored paper/pages.
 - n. Polaroid pictures.
 - o. Images of male or female buttocks, genitalia, or female breasts or images depicting sexual activity.
 - p. Photographs showing a child being abused physically or sexually.



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- q. Descriptions of child abuse or child pornography.
- r. Materials depicting, encouraging, or describing the methods of escape from a correctional facility, or materials containing blueprints, drawings, or similar descriptions of detention facilities.
- s. Materials depicting or describing procedures for the brewing of alcoholic beverages or the manufacture of drugs, weapons, or explosives.
- t. Material written in code.
- u. Material encouraging or instructing in the commission of criminal activity.
- v. Material intended to encourage or assist the disruption of the orderly operation of the Detention Center, such as through riot, work stoppage or other breach of Detention Center rules.
- w. Material depicting, describing, or encouraging activities which may lead to the use of physical violence or group disruption including photographs depicting illegal activity, drug use, gang activity, and hate group publications.
- x. Material which, by its nature or content, poses a threat to the security, good order, or discipline of the Detention Center or facilitates criminal activity.

G. Privileged Correspondence:

- 1. Inmates shall be permitted to mail and/or receive confidential letters from the following persons:
 - a. Any officer of a court of the United States or of the State of New Mexico (judge, attorney, clerk), or the state having jurisdiction over the inmate.
 - b. The President of the United States or the Governor of the State of New Mexico, or the Governor of the state having jurisdiction over the inmate.
 - c. Any member of the Congress of the United States or any member of the Legislature of the State of New Mexico, or of the state having jurisdiction over the inmate.
 - d. The Attorney General of the United States or the Attorney General of the State of New Mexico, or of the state having jurisdiction over the inmate.
 - e. Any Federal, State or local law enforcement agent.
 - f. Any authorized agency of the State of New Mexico having supervisory or accountability jurisdiction over the inmate, such as the New Mexico Parole Board.
 - g. Foreign nationals shall have correspondence access to the diplomatic representative of their country of citizenship.
 - h. The media.



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2. All privileged correspondence shall be clearly marked as such on the outside of the envelope and on the correspondence or materials within.
3. Incoming correspondence from any of the above parties shall be opened in the presence of the receiving inmate and inspected for contraband. Privileged correspondence shall not be read, unless a warrant is obtained based on probable cause that the contents of the correspondence is in violation of policy and procedure.
4. Privileged correspondence that is found to contain contraband shall be secured and held pending Administrative review and direction.
5. The Assistant Administrator shall log all incoming privileged mail by recording in a ledger the receiving inmate's name, inmate's date of birth, the date received, and the sender's name. Privileged mail shall be kept separate from all other mail and distributed to the inmate by the Assistant Administrator or designee.
6. Outgoing correspondence must have the inmate's name and the return address of the Detention Center on it.
7. Privileged correspondence, properly identified as such by an attorney or law firm, shall be authorized without restriction as to type, bulk, or volume.
8. Inmates and persons with whom inmates may correspond under this section shall not use or permit others to use authorized privileged mail for personal, non-legal, or un-official correspondence, the transmission of contraband, or the transmittal of communications to be given or forwarded to persons not specified in this section.
9. Assistant Detention Administrator or designee is responsible for the pick-up and processing of privileged mail, and for making a determination as to whether the mail is entitled to privileged status.

H. Processing Money:

1. Only money orders, cashiers checks, and payroll checks, shall be accepted. Such items must be made payable to the receiving inmate with the inmate's name written on the item.
2. When money orders, cashiers checks, or payroll checks are received in the mail, the Assistant Administrator or designee shall:
 - a. Note on the envelope the amount received and initial the envelope;
3. In the event that cash is received in the mail, the Assistant Detention Administrator or designee shall:
 - a. Photocopy the cash received;
 - b. Log the amount received on a ledger identifying the receiving inmate's name, inmates date of birth, date received, and sender's name;



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- c. Place the cash in a sealed envelope with the sender's return address on it.
- d. Place in a secured safe located in the Administration Area for the Administrative personnel to pick-up the next working day and process.
- e. Provide the inmate a receipt for the cash confiscated.

I. Disapproval of Outgoing, Non-Privileged Correspondence:

1. All outgoing mail must have the inmate's name and the return address of the Detention Center on it.
2. The Assistant Administrator or designee may disapprove and reject outgoing mail that contains escape plans, encoded messages, information about proposed criminal activity, or that violates court orders and/or otherwise compromises the safety and security of the facility.
3. The inmate shall be notified, in writing, of all disapproved or rejected outgoing mail.
4. The inmate may grieve such disapproval and/or rejection using the Detention Center's Inmate Grievance Procedure.

J. Books, Magazines, Newspapers, and Other Publications:

1. Inmates are allowed to receive publications which do not threaten the safety or security of the Detention Center.
2. Publications must be received directly from a publisher, distributor, or book club.
3. The Detention Administrator may authorize an exception to allow publications from additional sources if the requesting inmate provides written documentation that the publication is not available from a publisher, retailer, distributor, or book club.
4. Publications shall be disapproved or rejected if the Assistant Administrator or designee determines that the publication presents a threat to the safety and/or security of the facility because it contains restricted material, as outlined in Section F, Paragraph 4 of this policy and procedure.
5. The Assistant Administrator or designee shall document the specific reason(s) for disapproving or rejecting the publication on the Correspondence Denial Form.
6. Publications containing offensive materials shall be disapproved or rejected if the material poses a threat to the safety or security of the Detention Facility.
7. Restricted material does not include suggestive pictures or advertisements in magazines that do not regularly feature actual nudity, such as sports magazine



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swimsuit issues, or occasional depictions of nudity that appear in publications such as *National Geographic*.

8. No publication shall be rejected solely because it contains religious, philosophical, political, or social content.
9. No publication shall be rejected solely because its content is unpopular or repugnant.

K. Appeal Process for Rejected Publications:

1. Inmate Notification:
 - a. After any rejection of a publication, written notice shall be provided to the inmate to whom the publication was sent, Correspondence Denial Form. Such notice shall include:
 - i. The specific item rejected;
 - ii. The date of rejection;
 - iii. A description of the reason for rejection; and,
 - iv. The page number(s) containing the objectionable material.
 - b. The inmate shall be informed that he/she may appeal the decision using the established facility's Inmate Grievance Procedure.
 - c. The inmate may appeal the decision within two (2) calendar days of the receipt of the notice by using the grievance process and form.
 - d. The appeal must include the inmate's name, date, the name of the publication or item in question, and all relevant reasons the inmate disagrees with the decision.
 - e. A reason not included in the appeal shall not be considered at a later time.
 - f. The Detention Administrator or designee processing the inmate grievance shall respond to the inmate in writing within two (2) calendar days upon receipt of the grievance. Any extension to respond shall be provided to the inmate in writing with a reasonable explanation for the extension. An extension for the Detention Administrator or designee to respond shall not exceed 14 calendar days from the date the grievance was initially received.
2. Sender Notification:
 - a. Upon rejection of a publication, the Detention Facility shall provide the sender of the publication with written notice using the Correspondence Denial Form, which shall include:



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- 1) The specific item rejected;
 - 2) The date of rejection;
 - 3) The name of the inmate to whom the publication was mailed;
 - 4) A description of the reason(s) for rejection; and,
 - 5) The page number(s) containing the objectionable material.
- b. The Detention Center shall advise the sender the right to appeal the disapproval or rejection of the publication. Such appeal shall go directly to the Detention Administrator.
 - c. The sender may appeal the disapproval or rejection of the publication within fifteen (15) calendar days from the date the notice was mailed by the facility.
 - d. The Detention Administrator has final authority in all appeal matters pertaining to this policy and procedure.
3. The Detention Center shall retain all disapproved or rejected publications until all appeals have been exhausted and all final determination made by the Detention Administrator. All determinations shall be in writing and provided to both the inmate and the sender.

L. Writing Materials:

All inmates shall be permitted to retain writing materials and envelopes, in accordance with the Detention Center's guidelines. All outgoing correspondence shall bear the return address of the Detention Facility and the inmate's name. To assist in maintaining community ties, indigent inmates shall be provided paper and envelopes.